

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.1966 OF 2006
IN
FIRST APPEAL NO.868 OF 2007**

Ramakant Govind Bhosale ..Applicant

V/s.

The State of Maharashtra & ors ..Respondents

Mr.A.R.Mishra for the applicant
Mrs.Geeta Mulekar, AGP

CORAM : SMT.R.S.DALVI, J.

DATE : 16TH APRIL, 2007

P.C.

1. The applicant has challenged the Judgment in a suit against execution of the notice issued U/s.351 against him dated 18th July, 2000 followed by the order dated 18th July, 2000.

2. The applicant has produced a Govt. Gazette showing CTS No.444 declared as a slum. The applicant has claimed that his structure is on plot No.168. The plaint does not show CTS No. or Survey No. of the land. The applicant's structure is not shown in CTS No.444.

3. The applicant has produced xerox copy of a plan signed as a true copy by a Notary Public. The applicant's structure is shown at the corner of one plot in the compulsory open space of that plot. The plan is not issued by any public authority. It is not attested by public authority. It is a xerox copy of the plan of MHADA. It is only certified as a true copy by the Notary Public. The lay out plan does not show **C.T.S.No.444**. In fact, the plan shows Survey No.426 at Bandra. That is not the Survey No. which the applicant has claimed for his structure. Hence, the Civil Application is rejected.

(SMT.R.S.DALVI, J.)